

# **Forensic Consultative Report**

## **Death Investigation on Sheena Morris**

**Date of Death - January 1, 2009**

This forensic report will hopefully be the last report in what has been a protracted death investigation to identify what the correct manner of death ruling is in the death investigation of Sheena Morris.

To the above end goal, a brief summary of events is deemed appropriate for the reader of this report to have a sequential framework to add the additional evidentiary materials in this case.

Sheena Morris death was originally ruled a suicide by the medical examiner with a cause of death being “hung self in shower.” This death occurred in the background of an earlier domestic violence situation by her fiancée, hours before the alleged suicide.

Multiple local law enforcement agencies to include: Bradenton Beach Police Department and Manatee County Sheriff’s Office, sent personnel to the death scene to process or assist in processing the death scene.

Initial scene processing efforts were substandard and failed to garner the absolutely critical evidence in this death investigation. This failure was compounded by numerous investigative failures early on in the death investigation by investigators.

The purpose of this summary is not to go over all of the shortcomings of the initial investigation in this case.

This team of forensic specialists (the authors of this report) with over 100 years of forensic investigation experience authored several affidavits in early 2011, attesting to the presence of a staged crime scene.

In March 2011, Dr. Berkland and the family of Sheena met with both the Associate Medical Examiner and Chief Medical Examiner, Dr. Utley and Dr. Vega, respectively, and made a presentation listing the areas of the death scene that were “very problematic” for ruling a suicide in this particular case. During this meeting numerous red flag indicators of crime scene staging where pointed out to the Medical Examiner’s.

Following this meeting, both medical examiners were concerned enough about the forensic findings, both on the body of the deceased as well as the forensic findings within the death scene, that they had not identified or been made aware of and immediately amended both the death certificate and autopsy report to reflect the manner of death as "undetermined," with the hopes that changing the manner of death would open up the pathway for a more thorough death investigation.

There was heavy "blowback" from law enforcement on the medical examiner's changed manner of death ruling and this prompted involvement of both the Florida Department of Law Enforcement (FDLE) and the State Attorney's Office (SAO). FLDE used a multi-disciplinary team (SMART TEAM) and the SAO did their own analysis. Unfortunately, as happens all too often, law enforcement quickly focuses on any potential suspects should the case be viewed as suspicious. Both local law enforcement and state (FDLE) and the SAO looks at the case from the standpoint of can someone be indicted, and/or successfully prosecuted for a crime.

While both of the above efforts are laudable, they are oftentimes used in reverse to attempt to prove that a death is a suicide because it is felt that neither of their goals could reasonably be achieved.

Although law enforcement, FDLE, and the SAO took a look at this team's findings, their efforts seemed more intent on discrediting these authors and their forensic findings. These efforts were clearly counterproductive and a large waste of time for all involved parties. These authors still cannot excuse that law enforcement, FDLE, and the SAO failed to solve correctly the first issue in this case or any death investigation for that manner, and that is "what is the correct manner of death?"

The use of profiling, psychologic autopsies and the assessment of victimology and the like are nothing but investigative adjuncts, and as such, cannot ever be used as a substitute for hard forensic physical evidence. One should never use investigative adjuncts to explain away the physical evidence and findings in a contestable manner of death ruling.

This case has proven toxic to be affiliated with over the years and as such a number of highly skilled investigators from various law enforcement agencies, both local and state, are reluctant, and frankly scared, to author an opinion paper for fear of agency reprisals. This includes opinions that they have formed based on new physical evidence presented in this report.

This brings the reader up to current time, in which additional physical evidence was recovered in this case. It is the analysis of this newly recovered evidence that forms the need and basis of this forensic report.

Over the last several years, this particular case has been shown to hundreds of crime scene analysts, death investigators and detectives in training venues across the United States by one of the authors (Jan Johnson).

While the emphasis in the courses has always been on looking for red flag indicators of crime scene staging in general on this and other cases, it has been known for a while that students were concerned over numerous forensic findings regarding the physical evidence in this case within the death scene.

Collectively, numerous investigators, detectives and crime scene personnel have expressed concern about the lividity pattern on the lower back/buttock area of Sheena Morris. Experience levels in these courses, among those concerned, ranged from a couple years to over 20 years of experience with a collective experience of over 200 years of doing crime scene investigative work.

This level of concern did not go unnoticed by the authors, as we too had original concerns, but due to lack of proper documentation at the original death scene, could do little with our suspicions which could have been easily attacked to discredit our other findings.

However, in the last few months, this team has acquired additional evidence to analyze and we believe we can prove what a correct manner of death ruling is in this case to "well beyond a reasonable scientific or medical certainty", certainly beyond any reasonable doubt.

Before presenting the analysis, this team would like to collectively acknowledge the Medical Examiner's that handled this case. Were it not for them being open to looking at previous forensic facts and findings at the earlier meeting with the authors, they would not have been able to make their change of the manner of death to undetermined. At that meeting, both Medical Examiners expressed that if anything new occurs or additional evidence becomes available, that they would always be open to reviewing new evidence. To that very end, we now present the new evidence and analysis.

A few months back, Jan Johnson was teaching a group of students, composed of law enforcement, investigators/detectives and crime scene investigators, down in south Florida, when several students in the class once again, had concern about the

lividity pattern observed on the back of the deceased in the death scene photographs. The photograph that concerned them was taken immediately after Sheena had been removed from the shower enclosure, placed on a sheet inside a body bag, and rolled on her side for a photograph of her back. Again, the numerous students had variable degrees of training and experience.

Jan Johnson reached out to Sheena's mother Kelly Osborn in an attempt to see if a wicker chair was available at the condo where the death scene had occurred. As fate would have it, there was indeed a wicker chair of the same make and model as the chairs in Sheena's room at the condo. While the chair obtained was not from the room of the death scene, it was one of hundreds ordered for that condo, so in essence the rooms were all equipped with the same furniture.

The chair was transferred from the condo to Jan Johnson with appropriate chain of custody forms signed by people doing the transfer. This provided our team of forensic specialists with an actual chair in order to take proper photographs and measurements of the wicker design which was not possible from original death scene photographs, where the wicker chair was never the object of the photograph with close-up photographs and a scale for size measurements.

The original photographs of Sheena's back were not properly photographed at the death scene with a scale in order to allow size measurements of the area of non-fixed patterned lividity with a peculiar blanching pattern, that was the area of concern for so many people who had questions about that pattern.

It is of interest that Medical Examiner Office investigator notes indicated that, at the time of their assessment in the death scene, that lividity is fixed and that rigor mortis was full and complete. However, neither of these statements can be correct in that if the lividity was fixed at the time that Sheena was taken out of the shower enclosure, then that pattern would still be present on her back the following day at the autopsy. The pattern was gone and replaced with lividity appropriate for body position on a gurney in the morgue cooler. The importance of this significant finding being that neither Medical Examiner would have had this pattern to evaluate and consider in the formulation of the manner of death of Sheena Morris.

With regard to the rigor mortis, Sheena's hips were at ~60 degrees off of the straight vertical axis of the body, or 30 degrees off the perpendicular to her vertically hanging torso. If rigor was full, upon taking Sheena out of the shower enclosure, her legs would be off the ground when she was placed on her back in

the body bag. Her legs were on the ground and nobody made mention that her hip flexor rigor had been broke for placement inside the body bag for transport.

In order to properly size the area of patterned lividity and the odd blanched areas on Sheena's back, we needed something in the photograph that we could definitively size, that would not vary, since there was no ruled size marker in the single photograph that contained the abnormal lividity and blanching.

Once again, Kelly Osborn was contacted and she transferred the very thong that Sheena was wearing and that appears in the photograph taken at the death scene.

In order to accurately compare the wicker chair design to the pattern lividity and blanching it was necessary to do a 1:1 sizing with a non-variable size marker. The elastic back triangle of the thong was too elastic and we could not ascertain how much it was stretched while Sheena was wearing it. However, the "PINK" label was regular cloth and had clearly visible horizontal lines that could be measured on the actual thong and also were capable of being measured in the photograph of Sheena's back. A 1:1 size correction was performed.

A cutout overlay was prepared from the back of Sheena and was ghosted out so one could see the wicker design of the chair and the blanched patterned lividity. In addition, a clear transparency sheet was put on the wicker chair and all of the wicker design angles were drawn on the transparency.

**The blanched patterned lividity appears to match that which would be created by the wicker design of the lower back of the chair, in size, configuration, and angles.**

The forensic question is actually quite simple. What made that blanched pattern of lividity? If Sheena Morris hung herself inside the shower enclosure as is claimed by law enforcement, FDLE, and the SAO, then that blanched pattern of lividity had to of been made by something in the shower while Sheena hung suspended. Recall these forensic facts:

- 1). Sheena's buttocks are suspended ~8" above the floor of the shower enclosure.
- 2.) According to law enforcement, only Sheena's upper shoulders are touching the back wall of the shower enclosure. Her lower back and buttocks are not touching the wall or floor.
- 3.) The back wall of the enclosure was composed of ~ "6" square tiles in which all of the angles are 90 degrees.

4 ) The floor of the enclosure is composed of ~ “2” square tile in which all of the angles are 90 degrees.

The inverted blanched diamond shape area of lividity is an acute angle of ~34 degrees, far less than any 90-degree angles inside the shower enclosure.

As Arthur Conan Doyle (Sherlock Holmes) once said, “Once you eliminate the impossible – whatever remains - no matter how improbable must be the truth.”

Once you eliminate the shower enclosure as the source of the pattern....that leaves somewhere outside of the shower enclosure, in which that patterned blanched lividity developed. And what a coincidence that the wicker weave chairs in the condo have a wicker weave pattern that matches the lividity and diamond shaped blanching in size, configuration and angles.

**Reasonable inferences and logical conclusions allow even the most novice law enforcement officer, crime scene investigator, detective, FDLE special agents, and state attorneys to come to the correct conclusion, once they eliminate their investigative bias on coming up with non-scientific methods and investigative adjuncts to ignore the hard physical evidence, and continue to believe this case is a suicide in the face of overwhelming physical and forensic evidence .**

For a skilled forensic pathologist, the solution is clear as is the correct manner of death.

#### **Final Forensic Findings After Analysis:**

- 1.) There is no scientific explanation for the blanched lividity pattern as occurring from any object, wall, or floor inside the shower enclosure.
- 2.) This pattern lividity and blanching matches the wicker weave pattern of the chair inside the condo in size, configuration, and angles.
- 3.) The lividity pattern and blanching on Sheena’s back developed after Sheena was deceased with no beating heart.
- 4.) Sheena had to remain in the chair for a sufficient time period for gravity to take effect and dependent lividity to develop within the pattern.
- 5.) Then and only then.... Sheena was moved by another person into the shower and the death scene staged to look like a suicide hanging.

**The above are the forensic facts of the case and they are irrefutable.**

The above report represents the collaborative efforts of the following four authors to include:

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